

Beer Board Meeting Minutes
Thursday, August 20, 2009

The meeting began at 2:09 p.m., with Assistant County Attorney Kinard explaining Robert's Rules of Order for seating an acting Chairman. Commissioner Jordan move to have Commissioner Atkins act as Chairman, and Commissioner Stevenson seconded the motion. Commissioner Jordan called for the vote and all voted in favor. The following were in attendance: Acting Chairman Sophia Atkins, Commissioner Robert Stevenson, Commissioner Jewel Jordan, Assistant County Attorney Christy Kinard, County Clerk's Office Representative Pam Catron, Sheriff's Office Detective David Ballard, and Beer Board Coordinator Ceceria Nickols.

I. Approval of the Minutes

Commissioner Stevenson moved to approve the minutes of July 16, 2009, Jordan 2nd. The minutes were accepted without objection.

II. New Applicants

- A. El Molino Mexican Restaurant #2** (on premises)
1204 Houston Levee Road, Suite 10
Cordova, TN 38018
The Ibarra Companies, LLC, Owner

There was no one in attendance for El Molino. Acting Chairman Atkins asks Mrs. Catron for a report on this applicant. Mrs. Catron said application was incomplete and the name of the business was going to be changed. Acting Chairman Atkins asks Mrs. Catron when El Molino was coming in to complete their paperwork; Mrs. Catron said they hadn't yet. Acting Chairman Atkins asks for a motion, Commissioner Jordan moved to defer this applicant until the business came in with all their paperwork, then Commissioner Jordan moved to withdraw until all paperwork was in; Commissioner Stevenson, 2nd, motion passes.

Disposition: Application was withdrawn until all paperwork is received by the County Clerk's office.

- B. Humidor Tobacco & Beer** (off premises)
1166 North Houston Levee # 103
Memphis, TN 38018
Jordan Three, Inc., Owner

There was no one in attendance for Humidor. Acting Chairman Atkins asks Mrs. Catron for a report on this applicant. Mrs. Catron said she was waiting on information from the applicant. Commissioner Jordan asks Mrs. Catron what she is waiting on, Mrs. Catron explains. Commissioner Stevenson moved to withdraw application until all paperwork is in, Commissioner Jordan, 2nd, motion passes. Acting Chairman Atkins asks Beer Board

Coordinator Nickols to correct suite number on agenda for this applicant from 163 to 103.

Disposition: Application was withdrawn until all paperwork is received by the County Clerk's Office.

C. **Jalal Express** (off premises)
7534 North Watkins
Millington, TN 38053
Jalal Express, LLC., Owner

Mahd A Abdallah is in attendance for Jalal Express. Acting Chairman Atkins asks if he was the owner, he said yes. Acting Chairman Atkins asks for a report from Mrs. Catron, she says she is waiting on background information on employees and identification, the lease, a menu and the certification of registration needs to have the correct address. Acting Chairman Atkins asks Mr. Abdallah if he had the information Mrs. Catron needed. Commissioner Jordan asks if he is the only one selling beer. Mr. Abdallah said no. Commissioner Jordan asks if the store was open now, Mr. Abdallah said not yet and that he still working on the store. Commissioner Jordan asks if the new store is still in the processes of getting things together, he said yes. Commissioner Jordan asked when he planned to open, he said next week. Commissioner Jordan asks a question about selling beer, he says he will be the only one selling until all the information is in. Acting Chairman Atkins explains to him what he needs to do. Commissioner Jordan asks, does he have all his employees, he has one, Commissioner Jordan explains his employees must see Mrs. Catron. Acting Chairman Atkins asks his hours, he said 6am until 9 pm. Commissioner Stevenson asks had he received a citation in December for selling beer to a minor, he explains the incident. Commissioner Stevenson asks does he have other locations, he says yes. Commissioner Jordan asks was the citation for another location, he says yes. Commissioner Jordan asks Mrs. Catron about the missing information, she explains, and then he asks Mr. Abdallah about the food permit and lease agreement, he explains and gives food permit application to Commissioner Jordan, Commissioner Jordan then asks Mrs. Catron was the document the food permit, she says no and explains. Acting Chairman Atkins asks if they need to withdraw the application until Mr. Abdallah submits everything. Commissioner Jordan asks if he will have everything complete by September, he said before that. Commissioner Jordan asks Mrs. Catron about the incomplete information. Mrs. Catron tells them exactly what they are waiting on. Acting Chairman Atkins asks for a motion, Commissioner Jordan says there are too many missing items to issue a permit on a contingency; he then moves to defer to September meeting. Commissioner Stevenson, 2nd, motion passes.

Disposition: Application was deferred until September 17, 2009.

III. Misdemeanor Citations

A. **Break Time BP** (Permit # 10900009)
101 S. Houston Levee, Cordova, TN 38016

D M Restaurants Inc., Owner
Clayton David Short, employee cited

1. Sell of beer to a minor (Rules C.4 & D. 4) – 1st offense
(Deferred from 07-16-09; no appearance)

Charanjiv Singh Dhaliwal from Break Time was in attendance. Detective Ballard explained the April 29, 2009 misdemeanor citation. Mr. Dhaliwal explains employee punched in the wrong year. Commissioner Jordan asks how long Mr. Short had been employed there, Dhaliwal said a couple of months. Commissioner Jordan asks should what the license say override what has been punched in, he explains. Acting Chairman Atkins asks Deputy Goodman what happened, she explains and says Mr. Short appeared to put in a date of birth. Commissioner Stevenson asks Mr. Dhaliwal what happens to the date of birth once it is in the computer, he explains. Commissioner Jordan asks what date Mr. Short said he punched in; Dhaliwal says he just punched in the year. Acting Chairman Atkins asks Mrs. Catron was it the first violation, Mrs. Catron says it is. Commissioner Jordan asks does Mr. Short still work there, Mr. Dhaliwal said no he was terminated. Commissioner Stevenson asks what the normal fine on the first offense is, Acting Chairman Atkins says \$500.00. Commissioner Jordan asks how long they have been open, he says a couple of months. Acting Chairman Atkins asks Deputy Goodman if she has any further comment, she says no. Commissioner Jordan moves to assess Break Time, \$500.00 fine for selling beer to a minor, Commissioner Stevenson 2nd, motion passes.

Disposition: Civil penalty of \$500.00 assessed for selling to a minor, 1st offense, in violation of the Beer Board Rules and Regulations. Fine to be paid by September 16, 2009.

B. Tobacco and Snacks (Permit # 108001931)

8091 E. Shelby Drive, Memphis, TN 38125

Tyrone and Teresa Hudson, Owner

Tyrone Hudson, employee cited

1. Sell of beer to a minor (Rules C.5 and D. 4) – 2nd offense

Teresa Hudson of Tobacco and Snacks is in attendance. Acting Chairman Atkins asks Deputy Miller to explain the May 14, 2009 misdemeanor citation, she does. Mrs. Hudson explains what her husband told her, she was not at the store when the incident happened. Mrs. Hudson said the customer's birthday was coming up when she purchased the beer. Commissioner Jordan asks how they check the date of birth; he asks if they have a machine, Mrs. Hudson said they don't. Acting Chairman Atkins asks had they been cited before, Mrs. Hudson said husband had been cited for selling beer to a minor. Mrs. Hudson said beer has been removed from the store after this incident; she called Pam about surrendering the beer permit. Commissioner Jordan asks about the Deputy's account, Deputy Miller explains, and then Mrs. Hudson said that is not what her husband told her. Acting Chairman Atkins asks the month they were fined before, Mrs. Hudson was not sure but said fine was \$500.00. Attorney Kinard advised that business was

before the Beer Board on 02-19-09 for misdemeanor citation issued on October 23, 2009 and was fined \$500 for selling beer to a minor. Commissioner Jordan asks how long they have opened, Mrs. Hudson, said since July 1st of last year. Attorney Kinard finds that in February they were fined \$500.00 for selling beer to a minor. Acting Chairman Atkins tells the board 2nd offense should be \$1,000 or \$1,500. Acting Chairman Atkins asks where her husband is, Mrs. Hudson said at the store, and she took off her job to come to the meeting. Acting Chairman Atkins asks the hours, Mrs. Hudson said from 9am to 9 pm. Mrs. Hudson explains that there are only two employees, her and her husband. Acting Chairman Atkins asks Deputy Miller if she had anything else to add, she doesn't. Commissioner Jordan says since its 2nd offense, within a year, he moves to cite Tobacco and Snacks, \$1,000 for selling beer to a minor. Commissioner Stevenson, 2nd, motion passes.

Disposition: Civil penalty of \$1,000 assessed for selling to a minor, 2nd offense, in violation of the Beer Board Rules and Regulations. Fine to be paid by September 16, 2009.

C. Circle K (Permit # 108006365)
4195 Hacks Cross, Memphis, TN 38125
Circle K Stores, Inc., Owner
Shana Teresa Jefferson, employee cited
1. Sell of beer to a minor (Rules C.5 and D.4) – 1st offense
(misdemeanor citation issued 05-14-09)

There was no one in attendance for Circle K. Attorney Kinard reported that attorney for owner requested deferral and Chairman Horne advised it would be granted.

Disposition: Deferred until September 17, 2009

D. Mr. P's Wings (Permit # 106000601)
5144 Riverdale, Memphis, TN 38141
Frederick Plummer, Owner
Ashley N. Fisher, employee cited
1. Sell of beer to minor (Rules C.5 and D.4) – 2nd offense
2. Unregistered employee (Rules A.1 and C.4) – 2nd offense

There was no one in attendance for Mr. P's Wings. Acting Chairman Atkins asks Mrs. Catron about Mr. P's, she says she hasn't heard from Mr. Plummer. Acting Chairman Atkins asks Coordinator Nickols about sending a notice, she explains that it was sent but hadn't received the green receipt card. Deputy Miller came up and explains the situation with Mr. Plummer. Commissioner Jordan tells the board that Mr. Plummer lost his wife three weeks ago. Acting Chairman Atkins asks that 2nd notice be hand-delivered to Mr. P's Wings.

Disposition: Coordinator to prepare 2nd notice and Sheriff's Office to hand-deliver it to owner.

E. Bennington Mini Mart (Permit # 107000275)

5144 Riverdale #108, Memphis, TN 38141-8599

Nawal M. Alhaji, Owner

Nabil Haimed, Power of Attorney

Khalid Ali Gaid, employee cited

1. Sell of beer to minor (Rules C.5 and D.4) – 1st offense
2. Failure to check identification (Rules C.5 and D.4) – 2nd offense
3. Conviction for sell of beer to minor 6-27-08 for offense of 4-22-08
4. Unregistered employee (Rules A.1 and C.4) - 2nd offense

Nabil Haimed was in attendance for Bennington Mini Mart. There was no officer present. Haimed explains the May 14, 2009 misdemeanor citation. Acting Chairman Atkins asks Attorney Kinard to review and explain the documents provided by Haimed. Attorney Kinard explained that Gaid was cited for selling beer to a minor on 04-22-08 while working at business of owner in City of Memphis and again on 05-14-09 while working at business in County; although this is 2nd time business in County has been before Beer Board, 1st time was for misdemeanor citation issued to Aldafari on 10-23-08 for failure to check identification. Acting Chairman Atkins asks Detective Ballard for background on the case, and he gives information. Haimed explains what happened, Gaid sold one time at his County location. Acting Chairman Atkins asks was Gaid Haimed's employee, Haimed says no. Commissioner Jordan asks why Gaid was selling beer if not his employee, Haimed explains. Mrs. Catron asks if she can explain the situation regarding Haimed, she does. Acting Chairman Atkins asks Haimed is that correct, he continues to explain. Acting Chairman Atkins asks Mrs. Catron when Bennington in was before the Board Attorney Kinard advised that business was assessed \$500 fine on 02-17-09 for failure to check identification and \$200 for unregistered employee based on 10-23-08 misdemeanor citation. Haimed said it was only for not checking identification. Acting Chairman Atkins asks for a recommendation from the Commissioners. Commissioner Stevenson moves to fine \$1,000 for selling beer to a minor and for failure to check identification, Commissioner Jordan 2nd. Mrs. Catron asks what the fine is for. Attorney Kinard cites the history of this store, advised that no policy has been established for 2nd offense, and recommends each violation be taken individually based on past practice. Acting Chairman Atkins says they may need to withdraw the motion, Commissioner Stevenson does. Commissioner Jordan says they just need to separate the fines like Attorney Kinard suggested. Acting Chairman Atkins asks the Assistant County Attorney about the amount of recent fines. Commissioner Stevenson moves \$500.00 fine for selling beer to a minor, 1st offense, Commissioner Jordan 2nd, motion passes. Commissioner Stevenson moves \$500.00 fine for failure to check identification, 2nd offense Commissioner Jordan 2nd, motion passes. Commissioner Stevenson moved \$400.00 fine for unregistered employee selling beer, Commissioner Jordan 2nd, motion passes.

Disposition: Civil penalty of \$500 assessed for selling beer to a minor, 1st offense; \$500.00 for failure to check identification; and \$400.00

for unregistered employee selling beer in violation of the Beer Board Rules and Regulations. Total fine of \$1,400 to be paid by September 16, 2009.

VI. Discussion/Announcements

A. Report from County Clerk's Office

1. Shelby Station (Permit # 108003562)
Premiere C-Stores, LLC, Owner

Mrs. Catron reported that Premiere C-Stores, LLC provided written notice that it has ceased operation of Shelby Station.

2. Wild Wes's Bar & Grill (Permit # ??)
Wesley Mitchell, Owner

Mrs. Catron reported that Wild Wes' surrendered its beer permit on 06-15-09, changed business.

3. Bennington Mini Mart (Permit # 107000275)
Nawal M. Alhajj, Owner

Mrs. Catron reported that she has received complaint from parents regarding Bennington Mini Mart selling beer to underage students and she forwarded the information to Detective Butterick and Sergeant Pope. Acting Chairman Atkins asks Sheriff's office for updated report at next meeting.

B. Report from the Sheriff's office

1. Imbibrio's (Permit # 108004808)
Karen Abelsett, Owner

Detective Ballard reported that business is closed, Mr. Thorne Peters is in jail. Waiting on Judge Potter's ruling on the nuisance charge and will update Beer Board.

Acting Chairman Atkins asks for further comment. Mrs. Catron reported that Quick and Easy Grocery (Permit # 108004810) paid their fines of \$700.00 on 8-19-0009 and Tom Cat's (Permit # 106004109) fine of \$500.00 was paid today.

C. Report from County Attorney's Office

Attorney Kinard had nothing to report from the County Attorney's Office.

D. Report from the Code Enforcement

No report available from Code Enforcement.

E. Report from Health Department

No report available from the Health Department.

Commissioner Jordan moved adjournment, and Commissioner Stevenson, 2nd. The meeting was adjourned until Thursday, September 21, 2009.

3:44 pm